

# **In the United States Court of Federal Claims**

No. 09-109T  
Filed: March 23, 2021

**MICHAEL F. CURTIN and VIVIEN G.  
JOHNSON,  
Personal Representatives of the ESTATE  
OF ELEANOR C. BARZIN, Deceased**

*Plaintiffs,*

**v.**

**THE UNITED STATES,**

*Defendant,*

*and*

**THE UNITED STATES**

*Third-Party Plaintiff,*

**v.**

**ANTAL POST DE BEKESSY,**

*Third-Party Defendant.*

## **SHOW CAUSE ORDER**

In 2010, the United States joined Third-Party Defendant Antal Post de Bekessy by summons pursuant to RCFC 14(a) and 41 U.S.C. § 114(b). (Mot. to Summon, ECF No. 25; Third-Party Compl., ECF No. 28; Summons, ECF No. 29). Both of those provisions were later repealed. Act of January 4, 2011, Pub. L. No. 111-350, 124 Stat 3677, 3855, 3857. In a revised Opinion and Order dated January 10, 2012, the Court dismissed all of Plaintiff's claims against the United States. *Curtin v. United States*, 102 Fed. Cl. 769 (2012) (docketed at ECF No. 62). Only the contingent third-party claims that the United States asserts against Mr. de Bekessy remain viable. *See id.* at 770 n. 1.

Since February 2012, the parties have been providing joint status reports every 120 days. (See ECF No. 64). On March 23, 2021, the Court conducted a status conference regarding the stagnation of this litigation and the parties' latest joint status report. During that status

conference, the Court ordered the United States to show cause as to why the Court should not dismiss the United States' third-party claims for lack of jurisdiction.

This order serves to memorialize that oral directive for the convenience of the parties and the Court. Accordingly, the United States is **ORDERED TO SHOW CAUSE** as to why it should not dismiss the United States' third-party claims for lack of jurisdiction. The United States' response to this Order shall not exceed ten pages, and shall be filed on or before April 22, 2021.

**IT IS SO ORDERED.**

s/ David A. Tapp  
DAVID A. TAPP, Judge